

AMENDED IN SENATE MAY 18, 2005

AMENDED IN SENATE APRIL 25, 2005

**SENATE BILL**

**No. 935**

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**Introduced by Senator Ducheny**

February 22, 2005

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An act relating to hazardous substances and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 935, as amended, Ducheny. Topock site cleanup report.

The Carpenter-Presley-Tanner Hazardous Substance Account Act imposes liability for hazardous substance removal or remedial actions and requires the Department of Toxic Substances Control to adopt, by regulation, criteria for the selection and for the priority ranking of hazardous substance release sites for removal or remedial action under the act. The act authorizes the department to expend the funds in the Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances.

This bill would require the department, by March 1, 2006, to submit a report to the Governor and the Legislature on the progress of the site evaluation and cleanup of the groundwater at the Topock Compressor Station in the County of San Bernardino.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The Department of Toxic Substances Control determined  
4 in 2004 that immediate action was necessary to prevent  
5 groundwater containing chromium from reaching the Colorado  
6 River, and implemented a groundwater pumping operation at the  
7 Topock Compressor Station in the County of San Bernardino, as  
8 an interim measure that commenced in March of 2004.

9 (2) The department took that action after filing a notice of  
10 exemption from the California Environmental Quality Act  
11 (CEQA; Division 13 (commencing with Section 21000) of the  
12 Public Resources Code).

13 (3) The department is now considering significant expansions  
14 of the treatment facility.

15 (4) Significant concern has been raised that the  
16 characterization of the extent of the existing contamination has  
17 been insufficient to determine if the contamination has already  
18 crossed under the river.

19 (5) It is important to assure that the extent of the  
20 contamination is fully explored and that the consequences of all  
21 alternative treatment programs are fully assessed and presented  
22 to the public.

23 (b) On or before March 1, 2006, the Department of Toxic  
24 Substances Control shall submit a report to the Governor and the  
25 Legislature on the progress of the site evaluation and cleanup of  
26 the groundwater at the Topock Compressor Station in the County  
27 of San Bernardino. The report shall include, but not be limited to,  
28 all of the following:

29 (1) The results of ~~testing~~ *any testing that is in the possession of*  
30 *the department and that was done* by the department or any other  
31 agency of this state, any neighboring state, or the federal  
32 government, to determine whether the chromium contamination  
33 has already reached the other side of the Colorado River.

34 (2) An analysis and description of how the proposed  
35 expansion and location of operations might affect Native  
36 American lands or heritage interests, and a description of any  
37 formal government-to-government consultations on the  
38 expansion.

1 ~~(3)~~—

2 (3) Information regarding compliance with the California  
3 Environmental Quality Act (Division 13 (commencing with  
4 Section 21000) of the Public Resources Code), including the  
5 reasons why a notice of exemption for the project was issued in  
6 2004, after the department indicated in 1999 that an initial study  
7 would be prepared for the project.

8 (4) Actions taken in response to the detection of hexavalent  
9 chromium at ~~13,0000~~ 13,000 parts per billion in a well in 1999,  
10 and any information regarding the relationship between those  
11 actions and the increased groundwater contamination identified  
12 in 2004.

13 (5) A full description of any alternatives to the currently  
14 proposed expansion and relocation that have been considered by  
15 the Department of Toxic Substances Control, and the advantages  
16 and disadvantages of those alternatives.

17 (c) The Department of Toxic Substances Control may prepare  
18 the report required pursuant to subdivision (b) in consultation  
19 with other state and federal agencies involved with the site, and  
20 shall include in the report a summary of the activities of those  
21 additional agencies.

22 SEC. 2. This act is an urgency statute necessary for the  
23 immediate preservation of the public peace, health, or safety  
24 within the meaning of Article IV of the Constitution and shall go  
25 into immediate effect. The facts constituting the necessity are:

26 In order to assure that the extent of the contamination is fully  
27 analyzed at the Topock Compressor Station, thereby protecting  
28 public health and safety and the environment, it is necessary that  
29 this act take effect immediately.